

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

#### DRUGS

30776-30800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 25, 1939]

**30776. Adulteration and misbranding of elixir sulfanilamide. U. S. v. 1 Gallon of Elixir Sulfanilamide. Default decree of condemnation and destruction. (F. & D. No. 40523. Sample No. 58205-C.)**

This product was represented to be an elixir of sulfanilamide; whereas it consisted of sulfanilamide in a solution of 75 percent of diethylene glycol (a poison) and 25 percent of water.

On October 20, 1937, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 gallon of elixir sulfanilamide at Tulsa, Okla.; alleging that the article had been shipped in interstate commerce on or about September 29, 1937, by the S. E. Massengill Co., from Kansas City, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Elixir Sulfanilamide \* \* \* S. E. Massengill Company \* \* \* Bristol, Tenn.-Va."

The libel alleged that the article was adulterated in that its purity fell below the professed standard under which it was sold, namely, "Elixir Sulfanilamide," since it was not an elixir of sulfanilamide but was a solution of sulfanilamide in a mixture of diethylene glycol and water.

It was alleged to be misbranded in that the statement on the bottle label, "Elixir Sulfanilamide," was false and misleading when applied to an article containing sulfanilamide dissolved in diluted diethylene glycol and in that the statement on the sticker attached to the bottle stopper, "Quality Pharmaceuticals," was false and misleading when applied to an article consisting of a solution of sulfanilamide in diluted diethylene glycol. The article was alleged to be misbranded further in that its label gave the firm address as Bristol, Tenn.-Va.; whereas it had been manufactured at Kansas City, Mo.

No claim was entered for the product. On April 26, 1939, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30777. Misbranding of Menestrex. U. S. v. 47 Bottles and 4 Bottles of Menestrex. Default decree of condemnation and destruction. (F. & D. No. 45086. Sample No. 50249-D.)**

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On March 27, 1939, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 small bottles and 4 large bottles of Menestrex at Meridian, Miss.; alleging that the article had been shipped in interstate commerce by Rex Laboratory from Nashville, Tenn., within the period from on or about October 7 to on or about December 26, 1938; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained quinine sulfate (3.8 grains) and potassium permanganate (0.8 grain) per capsule.

It was alleged to be misbranded in that the statement on the label, "A Scientific Preparation," was false and misleading when applied to an article of the composition stated. It was alleged to be misbranded further in that the following statements in the labeling were statements regarding its curative and therapeutic effects and were false and fraudulent: (Bottle) "Menestrex One Capsule Four Times A Day Three Days Before Menstrual Period"; (circular)

"Menestrex for Delayed Menstruation \* \* \* This preparation if used properly gives relief from the beginning of puberty until the cessation of menses. If taken according to directions you are assured of reasonable results. \* \* \* Prepared and recommended for delayed, scant and painful menses. \* \* \* One capsule four times a day three days before menstrual period."

On September 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30778. Misbranding of gauze bandages. U. S. v. 42 Dozen Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 45482. Sample Nos. 51256-D, 51257-D, 51289-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

On June 10, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 dozen gauze bandages at Philadelphia, Pa.; alleging that the article had been shipped on or about December 27, 1938, by the Meditex Supply Co. from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "Doctors and Nurses" and the design of a nurse and a cross appearing on the labels were false and misleading since they created the impression that the article was sterile and safe for use; whereas it was not sterile and was not safe for use.

On July 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30779. Misbranding of Permacedar Kennel Bedding. U. S. v. Twenty-four 5-Pound and 24 Bushel Bags of Aromatic Permacedar Kennel Bedding. Default decree of condemnation and destruction. (F. & D. No. 45475. Sample No. 52038-D.)**

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about June 12, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-four 5-pound and 24 bushel bags of Aromatic Permacedar Kennel Bedding at Rochester, N. Y.; alleging that the article had been shipped in interstate commerce on or about January 28, 1939, by Yoho & Hooker from Youngstown, Ohio; and charging misbranding in violation of the Food and Drugs Act.

Examination showed that the article consisted of shavings from some member of the red-cedar group.

The article was alleged to be misbranded in that the following statements borne on the bag labels were statements regarding its curative or therapeutic effects and were false and fraudulent: "Reduces disease hazard \* \* \* For Dogs \* \* \* This direct contact develops a healthy lustrous coat \* \* \* Permacedar Bedding keeps the feet and hoofs in healthy condition by drawing out all fever."

The libel charged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1702 published under that act.

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30780. Adulteration and misbranding of tincture of digitalis. U. S. v. 24 Bottles of Tincture of Digitalis. Default decree of condemnation and destruction. (F. & D. No. 45253. Sample Nos. 53458-D, 53459-D.)**

This product possessed a potency approximately 30 percent below the standard laid down in the United States Pharmacopoeia for tincture of digitalis.

On April 29, 1939, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of tincture of digitalis at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about January 10, 1939, from Philadelphia, Pa., by